

UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NO. 04-CR-10020-RWZ

**UNITED STATES OF AMERICA,
Plaintiff,**

v..

**MICHAEL HOWARD,
Defendant.**

**MOTION TO MODIFY COMPONENT OF DEFENDANT'S TERMS OF
JUDGMENT REQUIRING ELECTRONIC MONITORING**

Now comes the defendant Michael Howard, having been sentenced by this Court after his plea of guilty to mail fraud and other related charges on June 2, 2005 to a term of eighteen months to be followed by six months in home confinement with electronic monitoring, hereby requests that this Honorable Court modify the terms of his judgment by removing the requirement of electronic monitoring for the following good and valid reasons:

1. The defendant began serving his sentence on September 13, 2005 at FCI-Taft, located in Taft, California.
2. Mr. Howard was released from custody on or about November 15, 2006 from FCI-Taft to a Las Vegas, Nevada halfway house.
3. The defendant was released to his home from that halfway house on or about December 29, 2006.
4. Mr. Howard is currently working as a licensed Nevada Real Estate Agent at Coldwell Banker in Las Vegas, Nevada in order to pay off the \$446,412.68

order of restitution in this matter towards which 10% of his weekly salary is credited.

5. The defendant is satisfactorily completing his terms of release but needs to travel and work in a manner flexible enough to perform the duties of his job in order to make real estate sales in a manner and at a pace necessary to make meaningful restitution payments.
6. Mr. Howard cannot do so while constrained by electronic monitoring conditions currently in place.
7. The defendant will additionally be supervised for another three (3) years by United States Probation and Parole Service.
8. It would be in the interest of justice, recognizing the defendant's age (he will turn 70 years of age on November 7, 2007), his lack of any other criminal record, the satisfactory completion of his sentence thus far (perfect disciplinary record, 156 hours of community service, religious services, educational certificates and achievement and working on the out-crew while incarcerated), the nature of his crime and the circumstances surrounding his situation, to allow this motion to modify the terms of his judgment.

THEREFORE, the defendant Michael Howard asks that this Court modify the terms of his release by eliminating the requirement of electronic monitoring from his remaining sentence.

Dated: February 24, 2007

Respectfully submitted,
MICHAEL HOWARD,
By his attorney,
/s/ Robert A. George

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CERTIFICATE OF SERVICE

I, Robert A. George, counsel for the defendant Michael Howard, do hereby certify that this document was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on this date.

/s/ Robert A. George

Robert A. George
Counsel for the Defendant